

**BEFORE THE
PHYSICIAN ASSISTANT BOARD
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
and Petition to Revoke Probation)
Against:)**

BRENDA KAY SAGLIO, P.A.)

Case No. 950-2015-000640

**Physician Assistant)
License No. PA 14210)**

Respondent)

DECISION AND ORDER

The attached Stipulated Surrender of License is hereby adopted as the Decision and Order of the Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 17, 2016.

IT IS SO ORDERED February 10, 2016.

PHYSICIAN ASSISTANT BOARD

By: _____

**Glenn L. Mitchell, Jr.
Executive Officer**

1 KAMALA D. HARRIS
Attorney General of the State of California
2 JANE ZACK SIMON (SBN 116564)
Supervising Deputy Attorney General
3 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
4 Telephone: (415) 703-5544
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5

6 *Attorneys for Complainant*
Physician Assistant Board
7

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Accusation and Petition to**
13 **Revoke Probation Against:**

14 **BRENDA KAY SAGLIO, P.A.**
745 San Jacinto Drive
Salinas, CA 93901
15

16 Physician Assistant License No. PA-14210
17

Case No.: 950-2015-000640

STIPULATED SURRENDER OF
LICENSE

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding, that the following matters are true:

20 1. Glenn L. Mitchell, Jr. is the Executive Officer of the Physician Assistant Board
21 (Board) and is the Complainant in this action. This action has at all times been maintained solely
22 in the official capacity of the Executive Officer of the Physician Assistant Board, who is
23 represented by Kamala D. Harris, Attorney General of the State of California, by Jane Zack
24 Simon, Supervising Deputy Attorney General.

25 2. Brenda K. Saglio, P.A. (Respondent) is represented in this matter by Paul Chan of
26 the Law Offices of Paul Chan, 2311 Capitol Avenue, Sacramento, CA 95816.

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1 3. Respondent has received, read, discussed with her attorney and understands the
2 Accusation and Petition to Revoke Probation which is presently on file and pending in case
3 number 950-2015-000640, a copy of which is attached as Exhibit A.

4 4. Respondent has carefully read, discussed with her counsel, and understands the
5 charges and allegations in the Accusation and Petition to Revoke Probation. Respondent also has
6 carefully read, discussed with her counsel, and understands the effects of this Stipulated
7 Surrender of License (Stipulation).

8 5. Respondent is fully aware of her legal rights in this matter, including the right to a
9 hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the
10 right to be represented by counsel, at her own expense; the right to confront and cross-examine
11 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
12 to the issuance of subpoenas to compel the attendance of witnesses and the production of
13 documents; the right to reconsideration and court review of an adverse decision; and all other
14 rights accorded by the California Administrative Procedure Act and other applicable laws.

15 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
16 every right set forth above.

17 7. Respondent admits that there is a factual and legal basis for the imposition of
18 discipline against her Physician Assistant license. Respondent wishes to surrender her license at
19 this time.

20 8. The parties agree that this Stipulated Surrender of License shall be subject to the
21 approval of the Board. Respondent understands and agrees that the Physician Assistant Board's
22 staff and counsel for Complainant may communicate directly with the Board regarding this
23 Stipulation without notice to or participation by Respondent or her counsel. By signing this
24 Stipulation, Respondent understands and agrees that she may not withdraw this agreement or seek
25 to rescind the Stipulation prior to the time the Board considers and acts upon it. In the event that
26 this Stipulation is rejected for any reason by the Board, it will be of no force or effect for either
27 party. The Board will not be disqualified from further action in this matter by virtue of its
28

1 consideration of this Stipulation.

2 9. Upon acceptance of this Stipulation by the Board, Respondent understands that she
3 will no longer be permitted to practice as a physician assistant, and also agrees to surrender and
4 cause to be delivered to the Board any license and wallet certificate in her possession before the
5 effective date of the Decision.

6 10. The admissions made by Respondent herein are only for the purposes of this
7 proceeding, or any other proceedings in which the Physician Assistant Board or other
8 professional licensing agency is involved, and shall not be admissible in any other criminal or
9 civil proceeding.

10 11. Respondent fully understands and agrees that if she ever files an application for
11 relicensure or reinstatement in the State of California, the Board shall treat it as a petition for
12 reinstatement, and Respondent must comply with all laws, regulations and procedures for
13 reinstatement of a revoked license in effect at the time the petition is filed.

14 12. Respondent understands that she may not petition for reinstatement as a physician
15 assistant for a period of two (2) years from the effective date of her surrender. Information
16 gathered in connection with Accusation and Petition to Revoke Probation number 950-2015-
17 000640 may be considered by the Board in determining whether or not to grant the petition for
18 reinstatement. For the purposes of the reinstatement hearing, the allegations contained in
19 Accusation and Petition to Revoke Probation number 950-2015-000640 shall be deemed to be
20 true and correct and admitted by Respondent, and Respondent waives any and all defenses based
21 on a claim of laches or the statute of limitations.

22 13. Respondent shall pay the Board some of the costs incurred in investigation and
23 enforcement in this action in the amount of \$2,000 (two thousand dollars) prior to submitting a
24 petition for issuance of a new or reinstated license.

25 14. The parties understand and agree that facsimile or electronic copies of this
26 Stipulated Surrender of License, including facsimile or electronic signatures thereto, shall have
27 the same force and effect as the originals.

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1 ACCEPTANCE

2 I have carefully read and discussed with my attorney the above Stipulated Surrender of
3 License. I enter into it freely and voluntarily and with full knowledge of its force and effect do
4 hereby surrender my Physician Assistant License No. PA-14210 to the Physician Assistant Board
5 of California, for its formal acceptance. By signing this stipulation to surrender my license, I
6 recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to
7 practice as a physician assistant in the State of California and I also will cause to be delivered to
8 the Board any license and wallet certificate in my possession before the effective date of the
9 decision.

10 DATED: 1/13/16

Brenda Kay Saglio PA-C
11 **BRENDA KAY SAGLIO, P.A.**
12 *Respondent*

13 APPROVAL

14 I have discussed with Respondent Brenda Kay Saglio, P.A. the terms and
15 conditions and other matters contained in the above Stipulated Surrender of License and approve
16 its form and content.

17 DATED: 1/13/16

PAUL CHAN
18 **PAUL CHAN**
19 *Law Offices of Paul Chan*
20 *Attorneys for Respondent*

21 ENDORSEMENT

22 The foregoing Stipulated Surrender of License is hereby respectfully submitted for
23 consideration by the Physician Assistant Board of California.

24 DATED: 1/13/16

KAMALA D. HARRIS
25 **KAMALA D. HARRIS**
26 *Attorney General of the State of California*

JANE ZACK SIMON
27 **JANE ZACK SIMON**
28 *Supervising Deputy Attorney General*
Attorneys for Complainant

EXHIBIT A

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5544
5 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 10 2015
BY R. Voong ANALYST

6
7 **BEFORE THE**
8 **PHYSICIAN ASSISTANT BOARD**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

13 **BRENDA KAY SAGLIO, P.A.**
14 745 San Jacinto Drive
Salinas, CA 93901

15 Physician Assistant License No. PA 14210

16 Respondent.

Case No. 950-2015-000640

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 Complainant alleges:

PARTIES

18 1. Glenn L. Mitchell, Jr. (Complainant) brings this Accusation and Petition to
19 Revoke Probation solely in his official capacity as the Executive Officer of the Physician
20 Assistant Board, Department of Consumer Affairs (Board.)

21 2. On December 17, 1997, the Physician Assistant Board issued Physician Assistant
22 License Number PA 14210 to Brenda Kay Saglio, P.A. (Respondent.) Said certificate is renewed
23 and current with an expiration date of November 30, 2015.

24 3. In a disciplinary action entitled "In the Matter of the Accusation Against Brenda
25 Kay Saglio, P.A.," Case No. 1E-2009-204019, the Board issued a Decision, effective September
26 22, 2010 (2010 Decision) in which Respondent's Physician Assistant License was revoked.
27 However, the revocation was stayed and Respondent's license was placed on probation for a
28

1 period of five (5) years with certain terms and conditions. A copy of the 2010 Decision is
2 attached as Exhibit A.

3 JURISDICTION

4 4. This Accusation and Petition to Revoke Probation is brought before the Board,
5 under the authority of the following laws. All section references are to the Business and
6 Professions Code unless otherwise indicated.

7 A. Section 3504 of the Code provides for the existence of the Physician
8 Assistant Board within the Medical Board of California.

9 B. Section 3527 of the Code provides, in pertinent part, that the Board may
10 order the suspension or revocation of, or the imposition of probationary conditions upon a
11 physician assistant license for unprofessional conduct which includes, but is not limited to
12 a violation of this chapter (Chapter 7.7, §3500, *et seq.* of the Business and Professions
13 Code), a violation of the Medical Practice Act (Business and Professions Code §2000 *et*
14 *seq.*) or a violation of the regulations adopted by the Board or the Medical Board of
15 California. If probation is imposed, the Board may order the licensee to pay the costs of
16 probation monitoring.

17 C. Section 1399.521 of Title 16 of the California Code of Regulations
18 provides, in pertinent part, that in addition to the grounds set forth in Section 3527, subd.
19 (a), of the code, the Board may ... suspend, revoke, or place on probation a physician's
20 assistant for the following causes:

21 (a) Any violation of the State Medical Practice Act which would
22 constitute unprofessional conduct for a physician and surgeon.

23 D. Section 2234 of the Code provides, in pertinent part, that the Board shall
24 take action against any licensee who is charged with unprofessional conduct.
25 Unprofessional conduct, includes, but is not limited to, the following:

26 (a) Violating or attempting to violate, directly or indirectly, or assisting in
27 or aiding in or abetting the violation of, or conspiring to violate, any
28 provision of this chapter.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

E. Section 125.3 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding the Board may request the administrative law judge to direct a licensee found to have committed a violation/violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

PROVISIONS OF THE DECISION

5. Condition No. 3 of the Board's 2010 Decision provides, in pertinent part:

Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4022 of the Business and Professions Code, or any drugs requiring a prescription...

6. Condition No. 4 of the Board's 2010 Decision states:

Respondent shall immediately submit to biological fluid testing upon the request of the Committee¹ or its designee. Respondent shall pay the cost of biological fluid testing.

7. Condition No. 5 of the Board's 2010 Decision states, in pertinent part:

Respondent shall enroll and participate in the Committee's Diversion Program until the program determines that further treatment and rehabilitation is no longer necessary. Respondent shall successfully complete the program. The program determines whether or not respondent successfully completes the program...

8. Condition No. 10 of the Board's 2010 Decision states:

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Committee or its designee, stating whether there has been compliance with all the conditions of probation.

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¹ At the time the 2010 Decision was issued, the Physician Assistant Board was known as the Physician Assistant Committee.

1 9. Condition No. 18 of the Board's 2010 Decision states:

2 If respondent violates probation in any respect, the Committee, after giving
3 respondent notice and the opportunity to be heard, may revoke probation and carry
4 out the disciplinary order that was stayed. If an Accusation or Petition to Revoke
5 Probation is filed against respondent during probation, the Committee shall have
6 continuing jurisdiction until the matter is final, and the period of probation shall be
7 extended until the matter is final.

8 **FACTS**

9 10. The Board's 2010 Decision resolved a pending Accusation alleging that
10 Respondent engaged in unprofessional conduct by virtue of excessive use of drugs to the extent or
11 in such a manner as to be injurious to the licensee or to other persons or to the public.

12 11. Pursuant to the terms of the 2010 Decision, Respondent entered into a contract
13 with Maximus Diversion Program. Under the terms of the 2010 Decision and the Maximus
14 contract, Respondent was required to abstain from the use of alcohol and mind-altering drugs,
15 submit samples for testing, self-report her compliance on a monthly basis, immediately report all
16 relapse, and immediately report any inadvertent or intentional breach of the Maximus contract.

17 12. On September 17, 2014, Respondent submitted a urine sample, which tested
18 positive for tramadol, a narcotic-like pain reliever and schedule IV controlled substance.
19 Respondent denied the use of tramadol.

20 13. On March 9, 2015, Respondent was required to submit a hair sample for drug
21 testing. The sample tested positive for amphetamines and methamphetamine. At Respondent's
22 request, the sample was retested, and on April 20, 2015, the results of the initial test were
23 confirmed. Respondent denied use of any prohibited substance, and attributed the positive result
24 to herbal beverages consumed in Hawaii. On April 24, 2015, Respondent wrote to the Board's
25 Executive Officer, and vehemently protested the positive result, stating that she could think of no
26 reason for the positive test result. Respondent stated, "I have been compliant..."

27 14. Respondent was referred by Maximus to Promises Treatment Centers for an
28 evaluation, which took place June 8-10, 2015. She initially claimed to have been without relapse
29 since 2011, but after failing a polygraph, admitted she had used heroin on several occasions. She
30 continued to deny use or exposure to methamphetamine. It was recommended that she enter and

1 complete a relapse prevention program. Respondent attended a relapse prevention program June
2 24-July 21, 2015. During that program, Respondent reported that she became "resentful" after
3 the tramadol positive test, and in about November 2014 "relapsed briefly" on heroin. She finally
4 confessed that when asked to submit to the hair test, she was worried it would show positive for
5 heroin, so she substituted her 10 year old niece's hair and "bribed" a collector. Respondent's
6 discharge diagnosis included Opiate Use Disorder, severe, early remission.

7 15. Respondent submitted numerous Quarterly Declarations during 2014 through
8 April 2015. In each Quarterly Declaration, Respondent represented, under penalty of perjury,
9 that she had complied with each and every term and condition of probation.

10 **CAUSES TO REVOKE PROBATION**

11 16. Respondent's probation is subject to revocation because she failed to comply with
12 Condition No. 4 of the 2010 Decision, referenced above, in that she knowingly provided a hair
13 sample from another person in order to manipulate and evade the required drug testing, and to
14 prevent detection of her drug relapse.

15 17. Respondent's probation is subject to revocation because she failed to comply with
16 Condition No. 3 of the 2010 Decision, referenced above, in that she used heroin and/or tramadol.
17 Respondent also violated her Diversion Contract by failing to immediately report a drug relapse,
18 in violation of Condition No. 5 of the 2010 Decision.

19 18. Respondent's probation is subject to revocation because she failed to comply with
20 Condition No. 10 of the 2010 Decision, in that she submitted Quarterly Declarations which
21 falsely represented that she had complied with all conditions of her probation, when in fact, she
22 had relapsed and submitted a false hair sample.

23 **CAUSE FOR DISCIPLINE**

24 19. Respondent's license is subject to discipline and Respondent is guilty of
25 unprofessional conduct pursuant to sections 3527, and/or 2234, and/or 2234(e) of the Code, in
26 conjunction with Section 1399.521 of Title 16 of the California Code of Regulations, in that she
27 committed acts involving dishonesty or corruption substantially related to the qualifications,
28 functions, or duties of a physician assistant. Respondent knowingly submitted the hair sample of

1 another person in order to defeat a drug test and camouflage her drug use. Respondent thereafter
2 knowingly made false statements to the Diversion Program and to the Board's Executive Officer
3 when the hair test came back positive for a prohibited substance, and continued to make false
4 statements until confronted with a failed polygraph test. Respondent also knowingly submitted
5 false Quarterly Declarations to the Board.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and
8 that following the hearing, the Board issue a decision:

9 1. Revoking the probation that was granted by the Physician Assistant Board in Case
10 No. 1E-2009-204019 and imposing the disciplinary order that was stayed thereby revoking
11 Physician Assistant License No. PA 14210 issued to Brenda Kay Saglio, P.A.;

12 2. Revoking or suspending Physician Assistant License Number PA 14210 issued to
13 respondent Brenda Kay Saglio, P.A.;

14 3. Ordering Respondent, if placed on probation, to pay the costs of probation
15 monitoring;

16 4. Ordering Respondent to pay the Board the actual and reasonable costs of the
17 investigation and enforcement of this case;

18 5. Taking such other and further action as deemed necessary and proper.

19
20 DATED: September 10, 2015



GLENN L. MITCHELL, JR.
Executive Officer
Physician Assistant Board
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Physician Assistant Board Case No. 1E-2009-204019

BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 1E-2009-204019
Against:)	
)	
BRENDA KAY SAGLIO, P.A.)	
)	
)	
Physician Assistant)	
License No. PA 14210)	
)	
)	
<u>Respondent.</u>)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Physician Assistant Committee of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 22, 2010.

DATED August 23, 2010

PHYSICIAN ASSISTANT COMMITTEE



Steven Klompus, P.A., Chair

1 EDMUND G. BROWN JR.
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 LAWRENCE MERCER
Deputy Attorney General
4 State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5539
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

Case No. 1E 2009 204019

12 **BRENDA KAY SAGLIO, P.A.**
745 San Jacinto Drive
13 Salinas, CA 93901

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Physician Assistant License No. PA 14210

15 Respondent.
16

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Elberta Portman ("Complainant") is the Executive Officer of the Physician Assistant
22 Committee ("Committee") of Medical Board of California. She brought this action solely in her
23 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of
24 the State of California, by Lawrence Mercer, Deputy Attorney General.

25 2. Respondent Brenda Kay Saglio, P.A. ("respondent") is represented by Richard J.
26 Mendelsohn and Mendelsohn & Mendelsohn, 317 Capitol Street, Salinas, California 93901.

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28 //

1 3. On or about December 17, 1997, the Physician Assistant Committee issued Physician
2 Assistant License Number PA 14210 to Brenda Kay Saglio. The Physician Assistant License was
3 in full force and effect at all times relevant to the charges brought herein and will expire on
4 November 30, 2011, unless renewed.

5 **JURISDICTION**

6 4. The Physician Assistant Committee of the Medical Board of California filed an
7 Accusation in Case No. 1E 2009 204019, which is currently pending against respondent. The
8 Accusation and all other statutorily required documents were properly served on respondent. A
9 copy of the Accusation is attached as exhibit A and is incorporated in this document by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read and understands the charges and allegations in
12 Accusation No. 1E 2009 204019. Respondent has also carefully read and understands the effects
13 of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent understands and agrees that the charges and allegations in Accusation
25 No. 1E 2009 204019, if proven at a hearing, constitute cause for imposing discipline upon her
26 Physician Assistant License.

27 //

28 //

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, respondent admits the truth of the single Cause for Discipline charged in Accusation No. 1E 2009 204019 and agrees to the imposition of discipline against her Physician Assistant License under Business and Professions Code sections 3527(a), 2234, and 2239(a) and to be bound by the Committee's imposition of discipline as set forth in the Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Physician Assistant Committee of the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physician Assistant Committee may communicate directly with the Committee or Medical Board regarding this stipulation and settlement, without notice to or participation by respondent or her counsel. By signing the stipulation, respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Committee considers and acts upon it. If the Committee fails to adopt this stipulation as its order, the stipulated settlement, except for this paragraph, shall be of no force or effect, the stipulated settlement shall be inadmissible in any legal action between the parties, and the Committee shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Committee shall, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician Assistant License No. PA 14210 issued to respondent Brenda Kay Saglio is revoked. However, the revocation is stayed and respondent is placed on probation for five (5) years with the following terms and conditions of probation.

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1 **1. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN**

2 Respondent shall notify her current and any subsequent employer and supervising physician(s) of
3 the discipline and provide a copy of the Accusation, decision, and order to each employer and
4 supervising physician(s) during her period of probation, at onset of that employment. Respondent
5 shall ensure that each employer informs the Committee or its designee, in writing, within thirty
6 days, verifying that the employer and supervising physician(s) have received a copy of the
7 Accusation, decision, and order.

8 **2. ALCOHOL -- ABSTAIN FROM USE** Respondent shall abstain completely from
9 the use of products or beverages containing alcohol.

10 **3. DRUGS -- ABSTAIN FROM USE/EXEMPTION FOR PERSONAL USE**

11 Respondent shall abstain completely from the personal use or possession of controlled substances
12 as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined
13 by Section 4022 of the Business and Professions Code, or any drugs requiring a prescription.
14 This condition does not apply to medications lawfully prescribed to respondent for a bona fide
15 illness or condition by another practitioner. However, within 15 calendar days of receiving any
16 lawful prescription medications, respondent shall notify the Committee or its designee of the
17 issuing practitioner's name, address, telephone number, medication name, strength, issuing
18 pharmacy name, address, and telephone number.

19 **4. BIOLOGICAL FLUID TESTING** Respondent shall immediately submit to
20 biological fluid testing upon the request of the Committee or its designee. Respondent shall pay
21 the cost of biological fluid testing.

22 **5. DIVERSION PROGRAM** Within 30 days of the effective date of this decision,
23 respondent shall enroll and participate in the Committee's Diversion Program until the program
24 determines that further treatment and rehabilitation is no longer necessary. Respondent shall
25 successfully complete the program. The program determines whether or not respondent
26 successfully completes the program. Respondent shall pay all costs of the program. If the
27 program determines that respondent is a danger to the public, upon notification from the program,
28 respondent shall immediately cease practicing as a physician assistant until notified in writing by

1 the Committee or its designee that she may resume practice. The period of time that respondent
2 is not practicing shall not be counted toward completion of the term of probation.

3 6. **ETHICS COURSE** Within 60 days of the effective date of this Decision,
4 respondent shall enroll in a course of ethics, at respondent's expense, approved in advance by the
5 Committee or its designee. Failure to successfully complete the course during the first year of
6 probation is a violation of probation.

7 Respondent shall submit a certification of successful completion to the Committee or its
8 designee within 15 days after completion of the course.

9 7. **APPROVAL OF SUPERVISING PHYSICIAN** Within 30 days of the
10 effective date of this decision, respondent shall submit to the Committee or its designee for its
11 prior approval the name and license number of the supervising physician and a practice plan
12 detailing the nature and frequency of supervision to be provided. Respondent shall not practice
13 until the supervising physician and practice plan are approved by the Committee or its designee.
14 Respondent shall have the supervising physician submit quarterly reports to the Committee or **its**
15 **designee**. If the supervising physician resigns or is no longer available, respondent shall, within
16 15 days, submit the name and license number of a new supervising physician for approval.

17 8. **COST RECOVERY** Within 90 days from the effective date of the Decision, or
18 other period agreed by the Committee or its designee, respondent shall reimburse the Committee
19 for its costs of investigation and prosecution, in the amount of \$5,737.50.

20 9. **OBEY ALL LAWS** Respondent shall obey all federal, state, and local laws, and
21 all rules governing the practice of medicine as a physician assistant in California and remain in
22 full compliance with any court ordered criminal probation, payments, and other orders.

23 10. **QUARTERLY REPORTS** Respondent shall submit quarterly declarations
24 under penalty of perjury on forms provided by the Committee or its designee, stating whether
25 there has been compliance with all the conditions of probation.

26 11. **OTHER PROBATION REQUIREMENTS** Respondent shall comply with the
27 Committee's probation unit. Respondent shall, at all times, keep the Committee and probation
28 unit informed of his business and residence addresses. Changes of such addresses shall be

1 immediately communicated in writing to the Committee and probation unit. Under no
2 circumstances shall a post office box serve as an address of record, except as allowed by
3 California Code of Regulations 1399.523.

4 Respondent shall appear in person for an initial probation interview with the Committee or
5 its designee within 90 days of the decision. Respondent shall attend the initial interview at a time
6 and place determined by the Committee or its designee.

7 Respondent shall, at all times, maintain a current and renewed physician assistant license.
8 Respondent shall also immediately inform the probation unit, in writing, of any travel to any areas
9 outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30)
10 days.

11 **12. INTERVIEW WITH MEDICAL CONSULTANT** Respondent shall appear in
12 person for interviews with the Committee's medical or expert physician assistant consultant upon
13 request at various intervals and with reasonable notice.

14 **13. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE** The period
15 of probation shall not run during the time respondent is residing or practicing outside the
16 jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of
17 California to reside or practice elsewhere, including federal facilities, respondent is required to
18 immediately notify the Committee in writing of the date of departure, and the date of return, if
19 any.

20 Respondent's license shall be automatically canceled if her period of temporary or
21 permanent residence or practice outside California totals two years. Respondent's license shall
22 not be canceled under this condition as long as she is residing and practicing as a physician
23 assistant in another state of the United States and is on active probation with the physician
24 assistant licensing authority of that state, in which case the two year period shall begin on the date
25 probation is completed or terminated in that state.

26 Respondent's license shall be automatically cancelled if respondent's periods of temporary
27 or permanent residence or practice outside California total two years. However, respondent's
28 license shall not be cancelled as long as respondent is residing and practicing as a physician

1 assistant in another state of the United States and is on active probation with the licensing
2 authority of that state, in which case the two year period shall begin on the date probation is
3 completed or terminated in that state.

4 **14. FAILURE TO PRACTICE AS A PHYSICIAN ASSISTANT - CALIFORNIA**
5 **RESIDENT** In the event respondent resides in California and for any reason respondent stops
6 practicing as a physician assistant in California, respondent shall notify the Committee or its
7 designee in writing within 30 calendar days prior to the dates of non-practice and return to
8 practice. Any period of non-practice within California, as defined in this condition, will not apply
9 to the reduction of the probationary term and does not relieve respondent of the responsibility to
10 comply with the terms and conditions of probation. Non-practice is defined as any period of time
11 exceeding 30 calendar days in which respondent is not practicing as a physician assistant.

12 All time spent in a clinical training program which has been approved by the Committee or
13 its designee shall be considered time spent practicing as a physician assistant. For purposes of
14 this condition, non-practice due to a Committee ordered suspension or in compliance with any
15 other condition of probation, shall not be considered a period of non-practice.

16 Respondent's license shall be automatically cancelled if, for a total of two years, she resides
17 in California and fails to practice as a physician assistant.

18 **15. UNANNOUNCED CLINICAL SITE VISIT** The Committee or its designee
19 may make unannounced clinical site visits at any time to ensure that respondent is complying
20 with all terms and conditions of probation.

21 **16. CONDITION FULFILLMENT** A course, evaluation, or treatment completed
22 after the acts that gave rise to the charges in the Accusation but prior to the effective date of the
23 decision may, in the sole discretion of the Committee or its designee, be accepted towards the
24 fulfillment of the condition.

25 **17. COMPLETION OF PROBATION** Respondent shall comply with all financial
26 obligations (e.g., cost recovery, probation costs) no later than 60 calendar days prior to the
27 completion of probation. Upon successful completion of probation, respondent's license will be
28 fully restored.

18. **VIOLATION OF PROBATION** If respondent violates probation in any respect, the Committee, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Committee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

19. **PROBATION MONITORING COSTS** Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Committee, which may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant Committee and delivered to the Committee no later than January 31 of each calendar year.

20. **VOLUNTARY LICENSE SURRENDER** Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, she may request the voluntary surrender of her license. The Committee reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 days deliver her wallet and wall certificate to the Committee or its designee and shall no longer practice as a physician assistant. Respondent will no longer be subject to the terms and conditions of probation and the surrender of her license shall be deemed disciplinary action. In the event that respondent re-applies for a physician assistant license, the application shall be treated as a petition for reinstatement of a revoked license.

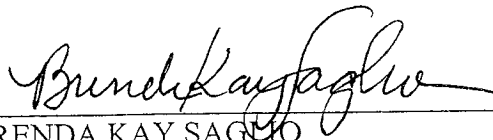
ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I have discussed the contents of the Stipulated Settlement and Disciplinary Order with my attorneys and I understand the effect this Stipulation will have on my Physician Assistant License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and

1 agree to be bound by the Decision and Order of the Physician Assistant Committee, Medical
2 Board of California.

3 DATED:

July 21, 2010



BRENDA KAY SAGLIO
Respondent

5 I have read and fully discussed with Respondent Brenda K. Saglio, P.A., the terms and
6 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

7 I approve its form and content.

8 DATED:

MENDELSON & MENDELSON

10 July 21, 2010



RICHARD J. MENDELSON, ESQ.
Attorney for Respondent

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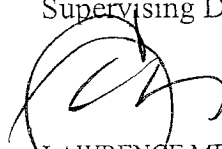
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs.

Dated: July 26, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



LAWRENCE MERCER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1E 2009 204019

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Attorneys for Complainant

BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1E 2009 204019

BRENDA KAY SAGLIO, P.A.

ACCUSATION

745 San Jacinto Drive
Salinas, CA 93901

Physician Assistant License No. PA 14210

Respondent.

Complainant alleges:

PARTIES

1. Elberta Portman ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Physician Assistant Committee, Department of Consumer Affairs.

2. On or about December 17, 1997, the Physician Assistant Committee issued Physician Assistant License Number PA 14210 to Brenda Kay Saglio ("respondent"). The Physician Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physician Assistant Committee ("Committee") for the Medical Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3504 of the Business and Professions Code ("the Code") provides for the existence of the Committee within the Medical Board of California ("Medical Board" or "Board").

5. Section 3527(a) of the Code provides that the Committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician's assistant certificate for unprofessional conduct which includes, but is not limited to a violation of the Physician Assistant Practice Act (Business and Professions Code section 3500, et seq.), a violation of the Medical Practice Act (Business and Professions Code section 2000, et seq.), or a violation of the regulations adopted by the Committee or the Board.

6. Section 3528 of the Code provides, in pertinent part, that proceedings involving the suspension or revocation of a license of a physician assistant shall be conducted in accordance with the Administrative Procedure Act, Government Code section 11500, et seq.

7. Section 1399.521 of Title 16 of the California Code of Regulations provides, in pertinent part, as follows:

"In addition to the grounds set forth in Section 3527, subd. (a), of the code, the committee may . . . suspend, revoke, or place on probation a physician assistant for the following causes:

"(a) Any violation of the State Medical Practice Act which would constitute unprofessional conduct for a physician and surgeon.

""

8. Section 2234 of the Code provides, in pertinent part, that the Division shall take action against any licensee who is charged with unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.”

9. Section 2239(a) of the Code provides, in pertinent part, that the excessive use, consumption, or self-administration of dangerous drugs (including those prescription medications defined in Section 4022 of the Code) to the extent or in such a manner as to be injurious to the licensee, or to any other person, or to the public, constitutes unprofessional conduct.

10. Section 125.3 of the Code states, in pertinent part, that a board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct, Excessive Use)

11. Respondent is subject to disciplinary action under Business and Professions Code sections 2234 and 3527(a) and California Code of Regulations, title 16, section 1399.521 for unprofessional conduct pursuant to section 2234(a) (violating provisions of this chapter) and section 2239(a), excessive use of dangerous drugs to the extent or in such a manner as to be injurious to the licensee, or to any other person, or to the public. The circumstances are as follows.

12. Acting on a complaint that respondent appeared to be impaired while engaged in the practice of medicine, the Committee obtained pharmacy records which demonstrated that between May 2009 and October 2009, respondent was receiving prescriptions for Oxycodone, a Schedule II controlled substance and opioid analgesic.

13. On June 2, 2010, respondent was interviewed by an investigator for the Committee. Respondent advised the investigator that, after maintaining sobriety for 18 years, she began using Oxycodone. She stated that her reason for beginning to use the prescription opioid for the

1 treatment of intense pain resulting from the Shingles virus, but respondent admitted that she later
2 began to use the medication excessively and that she became dependent on it.

3 COST RECOVERY

4 14. Section 125.3 of the Code provides, in pertinent part, that in any order issued in
5 resolution of a disciplinary proceeding before any board within the California Department of
6 Consumer Affairs, the board may request the administrative law judge to direct a licensee found
7 to have committed a violation/violations of the licensing act to pay a sum not to exceed the
8 reasonable costs of the investigation and enforcement of the case.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Physician Assistant Committee issue a decision:

12 1. Revoking or suspending Physician Assistant License Number PA 14210, issued to
13 Brenda Kay Saglio, P.A.;

14 2. Ordering Brenda Kay Saglio to pay the Physician Assistant Committee the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: July 15, 2010



20 ELBERTA PORTMAN
21 Executive Officer
22 Physician Assistant Committee
23 Department of Consumer Affairs
24 State of California
25 Complainant

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